
**PLANNING & DEVELOPMENT DEPARTMENT
MEMORANDUM**

To: Council & Clerk

From: Brian Treble, Director of Planning and Building

Date: October 23, 2023

Subject: Information Re: Warning Clauses being added to real estate purchase and sale agreements

Dear Council,

Planning Staff brought forward recommendation report PD-51-2023 – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 and CDM File No. 2000-91-22) at the October 10th, 2023 Planning, Building, Environmental Committee Meeting.

At this meeting, a question was raised regarding the potential to add warning clauses to real estate purchase and sale agreements regarding the possibility for smell/odor (etc). Staff reached out to Township Legal Counsel and the below response was received:

“I think it is best if the warning clauses are contained in a site plan agreement or subdivision agreement. Most of those clauses could probably not be registered alone as Restrictive Covenants. In order to register Restrictive Covenants, they need to be covenants not to do something (i.e. negative) as opposed to a promise to do something or just a warning about something. A lot of these clauses are just for fyi purposes, in which case they are more properly contained in an agreement.”

Respectfully Submitted,



Brian Treble, MCIP, RPP
Director of Planning and Building